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Message Text

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14
ACTION IO-10

INFO OCT-01 EUR-12 ISO-00 DHA-02 L-03 ACDA-05 DODE-00

OIC-02 DPW-01 SAJ-01 CIAE-00 PM-03 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 NRC-05

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R 082018Z AUG 75
FM AMEMBASSY BONN
TO SECSTATE WASHDC 2023
INFO USMISSION NATO BRUSSELS
USMISSION GENEVA
USNMR SHAPE

C O N F I D E N T I A L BONN 12867

E.O. 11652: GDS
TAGS: PFOR, NATO, ICRC, PARM
SUBJECT: INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT - US/FRG CONSULTATIONS

1. US DEL COMPLETED TWO DAYS OF INTENSIVE DISCUSSIONS WITH FRG EXPERTS ON BOTH CONVENTIONAL WEAPONS ISSUES AND VARIOUS OTHER PROBLEMS BEFORE THE CONFERENCE ON THE LAWS OF WAR. CONSULTATIONS WERE MOST USEFUL AND WERE CONDUCTED ON BOTH SIDES IN A COOPERATIVE SPIRIT. WE AGREED ON A COMMON APPROACH TO ALLIED CONSULTATIONS DURING THE AUTUMN IN PREPARATION FOR THE LUGANO EXPERTS CONFERENCE. FRG REPS WERE OBVIOUSLY CONCERNED THAT THERE BE FULL ALLIED COORDINATION AND THAT WE NOT TAKE CONTRADICTORY POSITIONS AT LUGANO. WE MADE IT CLEAR WE HAD THE SAME CONCERN.

2. WE EXPLORED AT LENGTH FRG CONCERNS ABOUT ARTICLE 46 (3) OF DRAFT PROTOCOL AND LARGELY SUCCEEDED IN ALLAYING THEM. THEY CONTINUE TO BELIEVE THAT SOME TYPE OF PUBLIC INTERPRETIVE STATEMENT WILL HAVE TO BE ATTACHED
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TO THEIR RATIFICATION AT LEAST INSOFAR AS NUCLEAR

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WEAPONS ARE CONCERNED, AND THEY WERE GRATIFIED BY OUR ASSURANCES THAT THE USG WOULD BE VERY CLEAR IN SUBMITTING ANY PROTOCOL TO THE SENATE THAT IT WOULD HAVE NO EFFECT ON USE OF WEAPONS OF MASS DESTRUCTION. AT END OF CONSULTATIONS THE FRG REPS ACKNOWLEDGED THAT THEIR REQUEST FOR A NATO MILITARY COMMITTEE STUDY OF ARTICLE 46 WAS PREMATURE AND SAID THAT IT WOULD NOT BE PURSUED. WE SAID THAT SUCH A STUDY MIGHT BE DESIRABLE AT SOME TIME IF IT COULD BE MADE SUFFICIENTLY PRECISE BUT THAT WE DOUBTED ITS FEASIBILITY PRIOR TO THE THIRD SESSION OF THE CONFERENCE IN 1976.

3. OTHER TOPICS DISCUSSED WERE REPRISALS AND REPRESSION OF BREACHES, ON BOTH OF WHICH US AND FRG VIEWS SEEM VERY CLOSE TOGETHER.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INTERNATIONAL LAW, HUMAN RIGHTS, MEETING DELEGATIONS, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 08 AUG 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: greeneet
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN12867
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750275-0455
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750867/aaaacgsp.tel
Line Count: 76
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2003 by CunninFX>; APPROVED <07 OCT 2003 by greeneet>
Review Markings:

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US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT - US/FRG CONSULTATIONS
TAGS: PFOR, PARM, NATO, ICRC
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006